

1891-017 Chancery Causes: John M. Smyth to vs. George W. Cole & wife to  
Lee Co.

Bartley, Smith, Pennington, Parsons, Quillen, Tharp, Orr, Newman,  
Pugh, Howard, Travis, Quillin

1 Plat

CA-Estate Dispute  
T-Property  
Migration



To The Hon A. S. K. Morison  
Judge of the Circuit Court  
of Lee County Virginia

The bill of Complaint of  
William Smyth (Sen) David Smyth,  
John M. Smyth, John B. Penning-  
ton and Elizabeth Pennington his  
wife Sallie Smyth, Rebecca J.  
Travis James H. Smyth, M. G. Parsons  
& Mary Parsons his wife Wm Smyth  
(Edward's (Son) James Quillin, and Martha  
Quillin his wife, Wm Lucas & Emily  
Lucas his wife, Wm Tharp and Sarah  
Tharp his wife Wm Smyth (James' Son),  
Joseph Smyth, John Orr, Lazarus  
Parsons & Sarah Parsons his wife,  
Wm Orr, John Newnan & Emily  
Newnan his wife Peter Orr,  
Wm Pugh and Dolly Pugh his wife  
who humbly complaining would  
respectfully represent that they  
are in part the heirs at law  
of One John Smyth now  
deceased. And Andrew Bartley  
and Minerva his wife George W. Cole  
and Sarah his wife and the unknown  
two infant heirs of Amanda  
Howard are ester of such heirs



Of these heirs at law. Wm Smyth  
sen. David<sup>2</sup> Smyth, John M.<sup>3</sup> Smyth  
Sallie Smyth and Elizabeth<sup>5</sup> Pennington  
are children. Edward Smyth an  
other son died leaving as children  
and heirs at law, Rebecca J. Travis  
6 widow of James Travis, James J.

Smyth, Mary F. Parsons wife  
of M. F. Parsons. Minerva Bartley  
wife of Andrew Bartley William  
Smyth and Martha Quillin wife  
of James Quillin and Emily  
Lucas wife of Wm Lucas and  
Sarah Sharp wife of William  
Sharp.

7. James O. Smyth, an other son  
died leaving the following chil-  
dren & grand children his heirs  
at law. viz:

Wm. Smyth, Sarah Cole wife of  
George W. Cole and Amanda  
Howard who is also dead leav-  
ing two infant unknown heirs  
in the State of Kentucky. Joseph  
Smyth

8 Rebecca Orr also a daughter is  
now dead leaving the following  
children her heirs at law viz:



John Orr, Sarah J. Parsons wife  
of Lazarus Parsons, Wm Orr, Emily  
Newman wife of John Newman  
Peter Orr and Dolly Pugh wife of  
Wm Pugh - So that each child  
or family of the deceased child  
would be entitled to one eight  
to be sub-divided among such  
family where the parent is dead.  
The said John Smyth died at  
the advanced age of 95 years  
intestate having advanced his  
children about equally and leav-  
ing a small farm of about  
250 acres un-disposed of which  
passed in course of descent  
to the persons in the propor-  
tion aforesaid.

The object of this bill therefore  
is to have partition made of the  
lands aforesaid which are sit-  
uated on the Northfork of Powell  
river in this County and known  
as the home place of John Smyth  
deceased. and equal portion in value  
assigned to each of said heirs as  
shown to be entitled to. To affect  
which your Complainant pray  
that Anselm Bartley and Minerva Bartley



Tax	1.50
ℓ	14.99
- S. A. L	5.00
ℓ	15.00
Cours	32.00

Printer 68.49.  
Co. C. 3.00

Recorded in Deed  
Book No 27 Page 369

John M. Smyth

Bill Chy.

George W. Cole

1840 1<sup>st</sup> Nov. Rules Bill  
filed. Sha not exec-  
uted depts being non  
residents order Pub.  
& continued

11 2<sup>nd</sup> Nov. Rules Cont'd  
11 1<sup>st</sup> Dec. Rules Taken  
Last Monday in Nov.  
Order prob. completed  
Cause set for hearing

11. Decr. Decree for partition  
+ continued.

1891, March Cont'd.  
 Aug. Decree final  
 Chcy. Oct. 35-2.

his wife, George Leach and Sarah Leach  
his wife and the two infant children  
their of Amanda Howard second he  
made parties stipulations to this will  
and answer to demand that a provision  
be left him he afterwards for said  
parties, and that he answer for them  
and for all other parties & General  
wells - Mary Quip &c.  
A. D. Quip



To the Hon. H. S. K. Morrison Judge  
of the Circuit Court of Lee County,  
Virginia;

The joint answer of the  
two unknown infant heirs of  
Amanda Howard by D. C. Sewell  
their guardian ad Litem to a bill  
in chancery filed in this Honorable  
Court wherein John M. Smith et al  
are plaintiffs & the said two unknown  
heirs & George H. Cole et al are  
defendants;

Your respondents for answer  
to said bill, or so much thereof  
as they are advised that it is  
necessary for them to answer by  
their guardian ad Litem answer  
& say - That they are infants of  
tender years & in law are not  
capable of taking care of their  
rights in said cause; they  
therefore pray, that your Honor  
render no decree therein that  
will be prejudicial to their  
interests in said cause.

Now, having fully answered they pray to  
be hence dismissed with their rea-  
sonable costs in this behalf expended  
& they will ever pray &c  
D. C. Sewell guardian



ad Litem for the two unknown  
heirship defendants.

Sworn to before me, Dec. 2<sup>nd</sup> 1890  
by E. A. L., D. C. Sewell,  
John R. Gibson D. Cks.

John W. Smith & Co.

B. J. Answer and  
Litem

George M. Colet wife et al

Filed for record 1/18/91

John W. Smith



+ John Orr, Sarah J. Orr, wife of Lazarus Orr, William Orr  
 Emily Newman wife of John Newman, Peter Orr and Dolly  
 Orr wife of William Orr

J. M. Smyth et al  
 vs  
 G. M. Cole et al } In Chy-

This Cause came on again on  
 the papers formerly read and the  
 report of John P. Graham, Geo. W.  
 Russell & Wm. J. Gilley Commissioners  
 filed April 2<sup>nd</sup> 1891 to which  
 there are no exceptions & was  
 argued by counsel. On consideration  
 whereof it is adjudged, ordered  
 & decreed that David Smyth take  
 & hold Lot No. 1. as shown  
 by said report and accompanying  
 the same; that Sally Smyth  
 take & hold Lot No. 2 as shown  
 by the maps & bounds set out  
 by said report & plat; that the  
 heirs of James Smyth deceased,  
 viz: Wm. Smyth, Sarah Cole wife  
 Geo. W. Cole, Amanda Howard's  
 two unknown infant heirs  
 take & hold Lot No. 3 as  
 shown by the maps & bounds  
 set out by said plat & report;  
 that heirs of Rebecca Orr deceased, to wit:  
 take & hold Lot No. 4 as shown  
 by the maps & bounds as set out in



said report & plat; that Elizabeth  
Pennington, wife of John B. Pennington  
take & hold Lot No. 5 as set  
out by the meets & bounds in  
said report & plat; that the heirs  
of Edward Smyth, to wit: Rebecca  
T. Travis, James J. Smyth, Mary J.  
Parsons wife of M. C. Parsons,  
Mirrona Bartley wife of Andrew  
Bartley, William Smyth, Martha  
Quillen wife of James Quillen;  
Emily Lucas wife of N. T. Lucas  
and Sarah Sharp wife William  
Sharp take & hold Lot 6. as set  
out by the meets & bounds in said  
plat & report; that John M. Smyth  
take & hold Lot No 7 as set  
out by meets & bounds in said  
plat & report; that William  
Smyth take & hold Lot No. 8  
as set out by the meets &  
bounds in said plat & report.  
And that the clerk of this court  
furnish to the clerk of the County  
Court a copy of the decree making  
partition in this cause the  
plat & report of the Court making  
partition, and this decree



Confirming the same which  
the clerk of said County Court  
will record the same in the  
book kept by him for the  
recording of deeds & when  
so recorded return the same  
to the clerk of this Court, and  
~~the~~ ~~the~~ part of the parties  
plaintiff & defendants shall  
pay the costs of this suit <sup>according</sup> ~~proportional~~  
to the ~~land~~ interest assigned  
each to be taxed by the  
Clerk. And no further  
action being necessary the  
cause is struck from the  
docket.

Virginia Lee County to wit:

In the office of the Clerk of the  
said County the foregoing Petition and  
report together with the decrees  
of the partition of the lands of John  
Smay the deced. was presented Nov: 30<sup>th</sup>  
1891 & admitted to record.

John J. R. Gibson Clerk.



<sup>W 611</sup>  
John M Smyth

v3 Decree  
Final.

George W. Calcutt  
Aug. 7. 1891

Entered 1891 35-2  
Co Book No 3.  
Sept. 3 1891.

as 764 1891

Enter this  
Sept. 3 1891  
J. S. M.



John M. Smyth et al  
against

George W. Cole et al

In Chy

On the  
Motion of the Plffs D. C.  
Sewell is appointed guardian  
ad litem for the unknown  
infant heirs of Amanda  
Howard deceased and on his  
motion leave is granted him  
to file his answer, and there-  
upon the cause came on to  
be heard upon the bill of  
the plff, and answer of the  
unknown heirs of Amanda  
Howard deceased by D. C. Sewell  
their guardian ad litem and  
replication thereto, and order of  
publication duly posted and made  
and was argued by Counsel-  
On Consideration whereof &  
for reasons appearing to the  
Court the Court doth adjudge  
order and decree that John  
P. Graham, George W. Russell &  
Wm J. Gilley, <sup>Wm J. Gilley & Wilson Myers</sup> be and they are  
hereby appointed special Com-  
missioners any three of whom



may, whose duty it shall  
be to go upon the land in the  
bill mentioned, and lay off  
~~into~~ the land in the bill  
mentioned into eight equal  
parts in value having due  
regard to quantity, quality  
water timber & way, one  
of which they well as-  
sign to the following persons  
viz: Wm Smyth, sen. David  
Smyth, John M. Smyth,  
Sallie Smyth, and Elizabeth  
Pennington wife of J. B. Pen-  
nington - And they well as-  
sign one eighth, of such land  
as aforesaid to the following  
persons viz: Edward Smyth  
children; viz: Rebecca J. Travis  
James T. Smyth, Mary F. Parsons  
wife of M. G. Parsons, Min-  
erva Bartley wife of Andrew  
Bartley, William Smyth, Martha  
Quillin wife of James Quil-  
lin, Emily Lucas wife of  
William Lucas and Sarah  
Thorp wife of Wm Thorp.



They will assign a like  
one eighth in value to the  
children <sup>& grand children</sup> & heirs of James  
Smyth deceased, viz: Wm  
Smyth (James son) Sarah Cole  
wife of George W. Cole, Amanda  
Howards (unknown two infant  
heirs) and Joseph Smyth.

They will assign a like  
one eighth in value to the  
children & heirs at law of  
Rebecca Orr deceased viz:  
John Orr, Sarah J. Parsons  
wife of Lazarus Parsons  
Wm Orr Emily Newnan  
wife of John Newnan Peter  
Orr and Dolly Pugh wife of  
Wm Pugh.

They will make a plat of  
the same & report the metes &  
bounds of each lot showing  
its location & quantity and to  
whom assigned, and file the  
same with their report at the  
next term of this court &  
the cause is continued..



John<sup>W</sup> M. Smyth

v { Decree for  
Partition

George W. Cole

Dec. 7. 1890

Recorded in B. B.  
p. 313-14

Recorded in Deed Book 27  
Page 36A-7370

Enter this  
Dec. 31<sup>st</sup> 1890  
H. K. M.



Virginia

At a Circuit Court continued  
and held for Dec. term at the  
Court house thereof Dec. 4<sup>th</sup> 1890.

L. M. Smyth et al

24

Dr. Chas.

acres

George W. Cole et al

Sept 1

# # # # The Court doth adjudge  
order and decree that John P. Plunkham  
George W. Russell, Wm. T. Killey and  
Wilson B. Myers be and they are  
hereby appointed special commis-  
sioners, any three of whom may  
act, whose duty it shall be  
to go upon the land in the Bids  
mentioned, and lay said land  
off into eight equal parts in  
value having due regard to quantity  
and quality, water, timber and ways,  
one of which they will assign to  
the following persons viz:-

Wm<sup>1</sup> Smyth Sen, David<sup>2</sup> Smyth, John M.  
Smyth, Lollie<sup>4</sup> Smyth and Elizabeth  
Perrington wife of J. B. Perrington  
and they will assign one eighth<sup>1</sup>  
of such land as aforesaid to the  
following persons viz. Edward Smyth's  
Children to wit: Rebecca J. Lewis, James  
J. Smyth, Mary J. Parsons wife of M. J.



Parsons, Minerva Bartley wife of  
Andrew Bartley, Wm Smyth, Martha  
Quillen wife of James Quillen Emily  
Lucas wife of Wm Lucas, and Sarah  
Sharp wife of Wm Sharp.

They will assign a like one eighth  
in value to the children and grand  
children the heirs of James Smyth  
viz, Wm Smyth (Lucas son) Sarah Leole  
Wife of George W. Leole, Ann  
Howards unknown two infant  
heirs and Joseph Smyth.

They will assign a like one  
eighth in value to the children  
and heirs at law of Rebecca  
Orr decd, viz, John Orr, Sarah J.  
Parsons wife of E. L. Parsons, Wm  
Orr, Emily Newman wife of John  
N. Newman, Peter Orr, and Dolly  
Dugh wife of William Dugh.

They will make a plat of the  
same and report the metes and  
bounds of each lot showing  
its location and quantity and  
to whom assigned and file the  
same with their report at the  
next term of the Court &c

A Copy

4 Copies

Teste J. A. S. (Sgt. C)

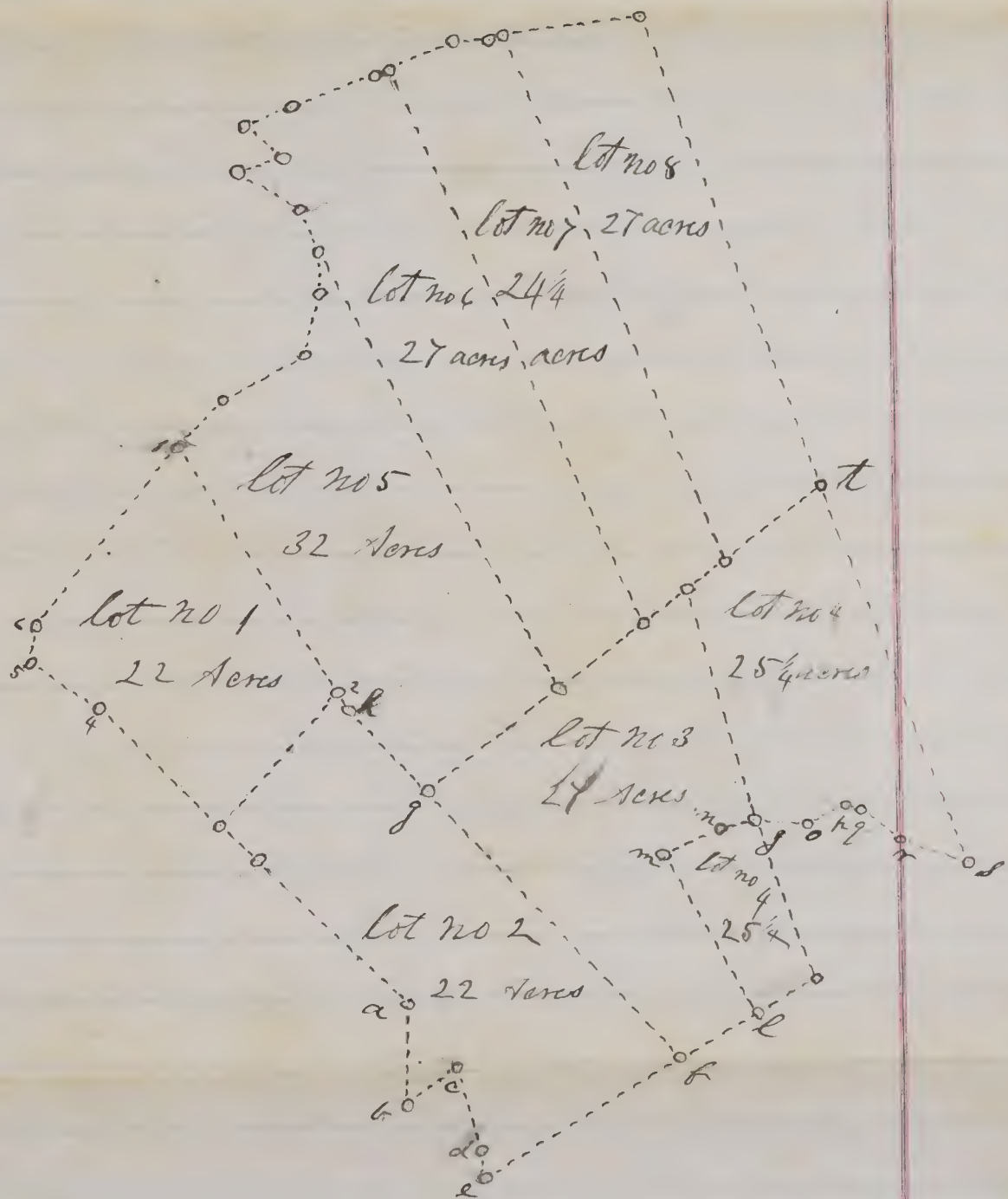


J. M. Smith et al  
vs <sup>3</sup> Copy of Deed  
George W. Coleman

Handed copies of  
this order to J. M.  
Smith to deliver to  
the parties Aug. 2<sup>n</sup>  
1895. J. J. L. Smith

Copies 318







To the Honorable H. S. K. Morrison Judge  
 of the circuit court of Lee co. Va Pursuant  
 to your order made Decr 4<sup>th</sup> 1890 and to  
 us directed after being duly sworn for  
 the purpose we the undersigned commissioners  
 went upon the lands of John Smyth Deed  
 and made a survey partition and assignment  
 as follows to wit we assigned lot no 1 to  
 David Smyth containing 22 Acres and situate  
 on Sawells river and known as the lot on which  
 one Hawkes now lives, and bounded as follows  
 to wit Beginning on a Poplar and dead buckeye on  
 the ~~land~~ <sup>North</sup> west bank of said river in a line of  
 M. R. Gillys land thence crossing said river  
 S 33° E 71 Poles to a stake in the north east edge  
 of a road leading to Littons mill S 40° W Poles  
 crossing the river to a Maple and stake on  
 the original line and with it up the river  
 N 47½° W 40½ Poles to a rock N 56½° W 20 Poles  
 to a stake near a spring branch N 78° E 9  
 Poles to a stake N 37° E 55 Poles to the Beginning  
 We next assign lot No 2 To Sally Smyth  
 and bounded as follows to wit we began  
 at 2 corner to lot no 1 and ran S 40° W Poles  
 crossing the river to Maple and stake corner  
 to lot no 1 then down the river S 47½° E 11½  
 Poles to Poplar beech and Oak corner to J. M.  
 Smyths land then S 47½° E 50 Poles to

lot no 1 can be seen on the Plat marked 1-2-3-4-  
 5-6-1-at



Page 2

Stake and locust near the river S  $37\frac{1}{2}$   
E 15 Poles to stake near a sugar tree thence  
across the river N  $48\frac{3}{4}$  E 14 Poles to a rock  
in the south west bank or edge of the wagon  
road S  $17\frac{3}{4}$  E  $21\frac{1}{4}$  Poles to a stake in wagon  
road S 7 E  $6\frac{1}{2}$  Poles to stake in said road  
a little below a mill dam N 57 E 55 Poles  
N 43 W 115 Poles to a stake in the north edge  
of the road N 33 W 5 Poles to the beginning  
see no 2 marked a-b-c-d-e-f-g-h-i-j-k-l-m-n-o-p-q-r-s-t-u-v-w-x-y-z  
We next assign lot no 3 to the heirs of  
James Smyth deceased To wit ~~with~~ William Smyth  
Sarah Cole wife of Geo. W. Cole Amanda Howards  
two unknown infant heirs and Joseph Smyth  
and bounded as follows to wit we began at g  
on a line of lot no 2 and ran N 52 E 79 Poles to k  
S  $20\frac{1}{2}$  E 58 Poles to a Pawpaw <sup>at g</sup> where a dogwood was called  
for in the north west edge of a wagon road then along  
said road S 73 W 9 Poles to n a stake in said road  
S 65 W 16 Poles to m a stake S 35 E  $44\frac{2}{3}$  Poles  
to l on Littons line and with it S 57 W  
22 Poles to f corner to lot no 2 and with  
line of the same N 43 W 88 Poles to g the  
beginning

~~Remainder of Lot no 3~~  
We next assign Lot no 4 lying in two parts  
and may be seen at k-l-m-n-o-p-q-r-s-t  
i we began at i ran N 52 E  $40\frac{1}{2}$  Poles to t a stake  
on Spanglers line and with it S  $22\frac{1}{2}$  E  $79\frac{3}{4}$  Poles  
to two white Oaks one on either side of the wagon



road at corner to Litton & Spangler at S  
N 71° W 18 Poles along said road to stake at r N 56  
W 7 Poles to stake at q N 82° W 3 Poles to p S 65° 4  
W 10 Poles to o N 85° W 13 Poles to g at a Pawpaw where  
a dogwood was called for The other lot begins at  
the pawpaw at g ran S 73° W 9 Poles to n S 65° W 16  
Poles to Stake at m then S 35° E 44  $\frac{2}{3}$  Poles to l corner  
to lot no 3 on Littons line and with it N 57° E  
16  $\frac{1}{2}$  Poles to k Littons corner then N 22° E W  
40 Poles to the pawpaw corner in the northern  
edge of the old wagon road

We next assign lot no 5 to Elizabeth Penning-  
ton wife of J. B. Pennington and may be seen on  
the plat marked 1-2-h-g-10-11-12-13-14-1- we began  
at 1 a Poplar and buckeye on the bank of the river  
and ran with a line of lot no 1- S 33° E cross-  
ing the river- 76 Poles passing corner of lot 2 at  
2- to k a stake in the edge of the road S 43° E  
28 Poles to g <sup>a stake</sup> a corner to lot no 3 and on a line  
of lot no 2 thence N 52° E 40 Poles to a stake  
on a line of lot no 3 at 10 then N 29° 4 W 120 Poles  
crossing the river to a beech near opposite  
Gillies stable S 53° 4 E 10  $\frac{1}{2}$  Poles to stake S 14° 4 W  
15 Poles to stake S 59° 4 W 21  $\frac{1}{2}$  Poles to 14 corner to  
M. R. Gillies land S 42° 4 W 16 Poles to the  
Beginning


We next assign lot no 6 to Edward Smyth's  
heirs to wit Rebecca & Travis James & Smyth



Mary F Parsons wife of M. B. Parsons Minerva  
 Bartley wife of Andrew Bartley Wm Smyth  
 Martha Luillen wife of James Luillen Emily  
 Lucas wife of N. W. Lucas and Sarah Sharp  
 wife of William Sharp This lot is marked  
 10-15-16-17-18-19-20-21-11 & 10 we began at stake  
 at 10 on a line of lot no 3 ran N 52° E 27 Poles  
 to 15 a stake then N 26½° W 146 Poles to a rock in  
 a cedar bluff <sup>at 16</sup> on a line of Youngs land between  
 two small Oaks marked as pointers S 66½° W 24  
 Poles to a rock S 16½° W 11½ Poles to a stake near  
 the head of a spring where an oak and poplar  
 were called for part of a poplar root there still  
 N 55½° W 70 Poles to a stooping Lynn S 14½°  
 W 11 Poles crossing the river to a stake on  
 N. J. Sillys line S 62¾° E 17½ Poles to a beech  
 at 21 S 28½° E 11 Poles to a beech corner to lot no  
 5 then crossing the <sup>river</sup> and with said line S 29½° E  
 120 Poles to the beginning

We next assign lot no 7 to John M. Smyth  
 marked 15-23-24-25-16 & 15 we began at a stake at  
 15- on a line of lot no 3 and ran N 52° E 25  
 Poles to stake at 23 on a line of lot no 4 N 24½°  
 W 137 Poles to four small dogwoods in a line  
 of John Youngs land and with same S 80° W  
 11½ Poles to 24 where a maple was called for S 66½°  
 W 18½ Poles to a rock in a cedar bluff between  
 two spotted Oaks marked as pointers then




 S 26  $\frac{1}{2}$  E 146 Poles to 15 the beginning  
 We next assign lot no 8 to William Smyth  
 marked 23-t-26-24-23 We began at 23 and  
 ran N 52 E 30 Poles to a stake on Spanglers  
 line at t and with same N 22  $\frac{1}{2}$  W 118 Poles  
 to a fallen Dogwood corner to John Young's <sup>at 24</sup> land  
 (dogwood still there well marked) and with young  
 line S 80 N 34  $\frac{1}{2}$  Poles to four small dogwoods  
 marked as pointers then with a line of  
 lot no 7 S 24  $\frac{1}{2}$  E 137 Poles to the beginning  
 John P. Graham  
 Geo. W. Russell. { Comm

Bill of expenses

To wit to George W Russell 5 days	\$10.00
to W. T. Gilley 4 $\frac{1}{2}$ days	\$ 9.00
To J. P. Graham 6 $\frac{1}{2}$ days	\$13.00
	<hr/> \$32.00



J. M. Smith et al

3 Cases Report  
No 3 of Partitions

L. W. Cole et al

Filed April 2<sup>d</sup> 1891.

J. L. Hyatt C.

Recorded in deed book

No 28 Page 381 & 73

Report



This contract and agreement made and entered  
into this the 29<sup>th</sup> day of December 1891 between  
Lawrence Irish of the first part and W. B. Mer-  
riman of the second part both of Lee county  
Va. Witnesseth, that whereas the said  
Lawrence Irish is now indebted to  
the said W. B. Merriman in about the  
sum of \$1000 and desires to obtain  
further credit from said Merriman  
for supplies to enable him to fetch and  
cultivate a crop for the year 1892 now  
this contract witnesseth that the party of the  
first part, being willing and desirous  
to secure to the party of the second part,  
the payment of the amount already due him  
as well for any amount the said Merriman  
may furnish him for the year 1892 to enable  
him to make a crop, do hereby give to said  
Merriman a lien on the following property to wit:  
One hundred bushels of corn 400<sup>th</sup> bush, 10 acres  
of growing wheat, and twenty acres of corn  
to be cultivated on W. J. Hinton's land  
after said Hinton receives his rent,  
all of which the said party of the first  
part doth hereby transfer and convey  
unto the said Merriman to secure the payment  
of the debts aforesaid but if the said Irish  
shall pay and discharge the debt  
aforesaid on or before the maturity



of the crop for the year 1892. Then this  
contract to be void otherwise to remain  
in full force and virtue witness  
the following signature and seal this  
Dec 29<sup>th</sup> 1891.

Lawrence <sup>his</sup> ~~Trick~~ <sup>mark</sup> ~~seal~~  
Virginia. Lee county to wit:

I, John R. Gibson clerk of Lee  
county court in the State aforesaid  
do certify that Lawrence Trick  
whose name is signed to the fore-  
going writing bearing date  
Dec 29<sup>th</sup> 1891. has acknowledged  
the same before me in my  
county aforesaid. and said writ-  
ing is admitted to record.

Given under my hand this the  
29<sup>th</sup> day of Dec 1891.

J. R. Gibson clerk

W. B. Merriam

John R. Gibson

Recorded in Deed Book  
4-20 Page 365

123-45-678



In the Clerk's Office of the Circuit Court of the County of Lee on the 27 day of  
October 1890.

John M. Smyth & others Plaintiff S }

against

Andrew Bartley & others Defendant S }

In Chancery

The object of this suit is to

partition the Lands  
owned by John Smyth Sr. at the time  
of his death -

And an affidavit having been made and filed that the defendant Andrew Bartley & minor  
Bartley his wife George Cole & Sarah Cole his wife, and the unknown  
infant heirs of Andrew Bartley are not residents of the State of Virginia, it is

ordered that they do appear here, within fifteen days after due  
publication hereof, and do what may be necessary to protect their interest in this suit.

And it is further ordered that a copy hereof be published once a week for four week's in  
some newspaper, and that a copy be forthwith posted at the front door of the court-house  
of this county.

A copy—Teste:

A. L. Primmer

p. q.

J. A. Hyatt

Clerk.



J. M. Smyth et al  
vs  $\frac{3}{4}$  order Pub  
Andrew Bartley et al

---

I certify that I  
delivered an office  
copy of this order  
to the Republicans  
for pub. and posted  
a like copy thereof  
on the front door  
of the County Court  
house at the town  
Sevier County Court

1890

J. A. Bryant



# The Commonwealth of Virginia.

To The Sheriff Of Lee County Greeting:

We Command You to Summon

*Andrew Bartley &  
Minerva Bartley his wife, George Cole &  
Sarah Cole his wife, and the unknown  
infant heirs of Amanda Howard, deed*

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday  
in *November* next, being rule day to answer a bill in Chancery exhibited in our said Court

against

by

*Wm. Smyth, David Smyth & son  
Smyth, John B. Pennington & Elizabeth Pennington his wife  
Sally Smyth, W. S. Parsons & Martha Parsons his wife  
Wm. Smyth, James Patton & Arthur Patton (his wife, Michael  
& Sarah, Sarah his wife, Wm. Smyth (James son) Joseph Smyth  
John Orr, Lazarus Parsons & Sarah Parsons his wife, Wm. Orr  
John Newman & Cecily Newman his wife, Peter Orr  
Wm. Smyth & Sally Smyth his wife*

And have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse.

This *29<sup>th</sup>* day of *October* 18 *90*, in the 11<sup>th</sup> year of the Commonwealth.

A Copy Teste

*J. A. G. Hyatt* Clerk.



W. L. F.

J. M. Smyth et al  
vs  $\frac{1}{3}$  Spain et al

Andrew Bartley et al

Lo 1st Nov. Rules 1890

Not executed the  
defts all being  
non residents

Oct 29<sup>n</sup> 1890.

A. B. Munsey D. L. C.



VIRGINIA:—In the Clerk's Office of  
the Circuit Court of the County of Lee  
on the 29th day of October 1890.

John M. Smyth and others	Piffs	} In Cha'y.
vs.		
Andrew Bartley and others	Deft.	}

The object of this suit is to partition  
the lands owned by John Smyth Sr. at  
the time of his death.

And an affidavit having been made  
and filed that the defendants Andrew  
Bartley and Minerva Bartley his wife,  
George Cole and Sarah Cole his wife,  
and the unknown infant heirs of  
Amanda Howard dec'd. are not  
residents of the State of Virginia,  
it is ord-red that they do ap-  
pear here within 15 days after due publi-  
cation hereof, and do what may be nec-  
essary to protect their interest in this  
suit. And it is further ordered that a  
copy hereof be published once a week for  
four weeks in some newspaper, and that  
a copy be forthwith posted at the front  
door of the court-house of this county.

A copy—Teste:

J. A. G. HYATT Clerk.

A. L. PRIDEMORE, p. q.

3-I 4w

I, Geo. W. Blankenship, Editor of the LEE COUNTY RE-  
PUBLICAN, a weekly newspaper published in the town of  
Jonesville, and County of Lee, hereby certify that the fore-  
going Order of Publication was duly published in the above  
named paper for four successive weeks ending

22,

1890.

Editor LEE Co., REPUBLICAN

*Nov.*  
*G. W. Blankenship*



J. M. Smith et al

vs  $\frac{3}{3}$  Pub Certf.

Andrew Bartley et al

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Filed Nov 22<sup>nd</sup> 1890.

J. A. Hyatt c